

REMARKS/ARGUMENTS

Claims 14-16, 18 and 26-28 remain in the application for further prosecution. By this amendment, claims 1-13, 17 and 19-25 which were previously withdrawn have been canceled without prejudice. The Office Action objected to claims 15, 16, 18 and 27 as depending from withdrawn claim 13. Applicant has amended these claims to properly depend from claim 14.

§102 Rejections

Claims 14, 16, 18 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,853,735 (Imahori et al.). The Final Office Action indicated that claims 15, 27 and 28 would be allowable if rewritten in independent format.

The present claims relate to a receiver for a listening device having a magnet assembly, an armature and a coil assembly with a bobbin. The coil assembly and bobbin are adjacent to the magnet assembly. In particular, the bobbin is a single piece having a structure which engages a fixed position of the armature. The armature is automatically centered in the passage formed by the coil and magnet assemblies from the engagement of the armature with the armature structure of the bobbin. Imahori does not anticipate several elements of claims 14 and 26 and is therefore allowable at least because of the following reasons.

First, Imahori does not disclose a bobbin with an armature-mounting structure in claim 14 or a bobbin with an armature-centering structure as in claim 26. The Final Office Action asserts that the magnetic strap 26 in Imahori is the armature-mounting or armature-centering structure. (p. 2). However, the magnetic strap 26 is not part of the bobbin 22 described by Imahori. Thus, the bobbin 22 in Imahori does not have an armature centering or mounting structure. This is reinforced by the fact that the bobbin 22 and the magnetic strap 26 are not even fabricated with the same materials. The magnetic strap 26 must be metallic in order to be welded onto the

armature frame 20 as described by Imahori. (Col. 5, ll. 61-65). In contrast, the bobbin 22 in Imahori is fabricated from a non-magnetic material such as that which may be formed by injection molding. (Col. 5, ll. 25-30). The magnetic strap 26 cannot be considered a part of the bobbin 22 because, as is clear from Figures 5 and 6, the magnetic strap 26 is not even physically in contact with the bobbin 22. A coil 28 is wound around the pair of beams that are extended in the front and rear direction to form the coil core 38. (Col. 5, ll. 26-37). The magnetic strap 26 overlays the coil 28 and thus does not touch the bobbin 22 and therefore cannot be part of the bobbin 22 as is required by the claims. Perhaps Imahori's magnet strap 26 could be part of the claimed "magnet assembly," but it is surely not part of the claimed "bobbin."

Second, the bobbin 22 in Imahori is not configured to engage the fixed portion of the armature as required by claims 14 and 26. The Final Office Action cites Col. 5, ll. 61-63 of Imahori for support that the bobbin 22 is engaged with the fixed portion of the armature. (p. 2). However, this section of Imahori only relates to positioning the armature 34 in the center of holes 36a and 40a of the bobbin 22 and welding the outside side of the magnetic strap 26 to the armature frame 20. In fact, the bobbin 22 is not engaged with the fixed portion of the armature frame 20 as the bobbin 22 itself does not touch the armature frame 20.

Third, the magnetic strap 26 does not "automatically" center the armature in response to the fixed portion of the armature being engaged to the armature-centering or armature-mounting structures as required by the claims. The Final Office Action asserts that the magnet strap 26 described in Imahori performs the claimed armature-centering function. (pp. 2-3). However, the magnet strap 26 of Imahori merely serves, through its vertical plane side portions, as a place to support and attach (by laser welding) the armature side wall portion 32b. The magnet strap 26 does not include any mechanism for centering the armature automatically when engaged with the

armature assembly as the armature frame 20 may be located in many different positions relative to the magnetic strap 26 when the magnetic strap 26 is moved over the armature frame 20.

The Final Office Action cites col. 5, lines 61-63 of Imahori as support for automatically centering the movable armature portion 34. This section and the rest of Imahori do not disclose how the alleged centering is accomplished when the magnetic strap 26 is placed in contact with the fixed portion of the armature. The Final Office Action merely asserts, without any evidence, that automatic centering is implied because the receiver is a balanced armature type. (p. 4). However, the Final Office Action asserts that “automatic centering” is implied, conceding that there is no disclosure how the “automatic” centering is performed in Imahori. (p. 3). To the contrary, Applicant respectfully submits a skilled person would reasonably conclude from the above passage that the desired centering is actually performed by a manual centering procedure. Such a manual armature-centering procedure is well known but tends to be time-consuming, difficult, and unreliable.

Further, such a procedure, even if “automatic” would not be the same as the automatic centering resulting from the engagement of the bobbin and the armature in the present claims. The engagement element in the claims causes the armature to be centered without any alignment, manual or otherwise, because the armature and bobbin engage each other in such a fashion that the armature is centered on engagement and is thus automatic. The armature 35 in Imahori must be positioned relative to the holes 36a and 40a of the bobbin 22 by moving the magnetic strap 26 on the surfaces of the armature frame 20 to insure centering of the armature 35. Therefore, Imahori does not automatically center the armature 35 on engagement as the frame 20 is adjustable relative to magnetic strap 26 until the pieces are welded together. In contrast, the engagement in the present claims results in automatic centering of the armature as it eliminates

any position determination because the bobbin can only be in one position in relation to the armature once the bobbin and the armature are engaged.

Therefore, for at least the reasons stated above, withdrawal of the rejection against independent claims 14 and 26 is respectfully requested.

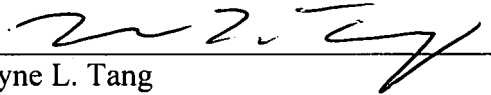
Conclusion

It is the Applicants' belief that all of the pending claims are in condition for allowance and action towards that end is respectfully requested.

If any matters may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the Applicants' undersigned attorney at the number shown.

Respectfully submitted,

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